

AMENDED IN ASSEMBLY MAY 7, 2003  
AMENDED IN ASSEMBLY APRIL 23, 2003  
AMENDED IN ASSEMBLY APRIL 1, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 941**

**Introduced by Assembly Member Yee**

February 20, 2003

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An act to amend Section 1372 of the Penal Code, and to amend Sections 4100, 7200, and 7200.06 of, and to repeal Sections 7229 and 7233 of, the Welfare and Institutions Code, relating to state hospitals.

LEGISLATIVE COUNSEL'S DIGEST

AB 941, as amended, Yee. State hospitals.

(1) Under existing law, a person cannot be tried or adjudged to punishment while that person is mentally incompetent.

Existing law sets forth procedures under which a criminal defendant who was adjudged mentally incompetent and who has regained mental competence, shall be returned to the committing court, and subsequently returned to a hospital or other commitment facility based on a need for continued treatment in order to maintain competence to stand trial. Existing law provides that the state shall only pay for 10 hospital days for patients following the filing of a certificate of restoration of competency. Existing law requires the State Department of Mental Health to report annually *in January* to specified committees of the Legislature on the number of days that exceed this 10-day limit.

This bill would ~~repeal this reporting requirement~~, *instead, require this annual report to be made in February. This bill would also require*

*that report to include a data sheet that itemizes by county the number of days that exceed the 10-day limit.*

(2) Existing law prohibits the admission to Napa State Hospital of patients, in excess of a specified number, whose placement has been required pursuant to the Penal Code, until specified conditions are met, except as provided.

This bill would repeal this provision and would revise other requirements concerning the patient population at Napa State Hospital. This bill would also repeal certain obsolete requirements concerning the construction of the Atascadero State Hospital.

(3) Existing law establishes certain state hospitals for the care, treatment, and education of the mentally disordered, and provides that the department has jurisdiction over these entities.

This bill would specify that Coalinga State Hospital is one of these entities.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1372 of the Penal Code is amended to  
2 read:

3 1372. (a) (1) If the medical director of the state hospital or  
4 other facility to which the defendant is committed, or the  
5 community program director, county mental health director, or  
6 regional center director providing outpatient services, determines  
7 that the defendant has regained mental competence, the director  
8 shall immediately certify that fact to the court by filing a certificate  
9 of restoration with the court by certified mail, return receipt  
10 requested. For purposes of this section, the date of filing shall be  
11 the date on the return receipt.

12 (2) The court's order committing an individual to a state  
13 hospital or other treatment facility pursuant to Section 1370 shall  
14 include direction that the sheriff shall redeliver the patient to the  
15 court without any further order from the court upon receiving from  
16 the state hospital or treatment facility a copy of the certificate of  
17 restoration. ~~The~~

18 (3) *The* defendant shall be returned to the committing court in  
19 the following manner: ~~A~~



1 (A) A patient who remains confined in a state hospital or other  
2 treatment facility shall be redelivered to the sheriff of the county  
3 from which the patient was committed. The sheriff shall  
4 immediately return the person from the state hospital or other  
5 treatment facility to the court for further proceedings. ~~The~~

6 (B) *The* patient who is on outpatient status shall be returned by  
7 the sheriff to court through arrangements made by the outpatient  
8 treatment supervisor. ~~It~~

9 (C) all cases, the patient shall be returned to the committing  
10 court no later than 10 days following the filing of a certificate of  
11 restoration. The state shall only pay for 10 hospital days for  
12 patients following the filing of a certificate of restoration of  
13 competency. *The State Department of Mental Health shall report*  
14 *to the fiscal and appropriate policy committees of the Legislature*  
15 *on an annual basis in February, on the number of days that exceed*  
16 *the 10-day limit prescribed in this subparagraph. This report shall*  
17 *include, but not be limited to, a data sheet that itemizes by county*  
18 *the number of days that exceed this 10-day limit during the*  
19 *preceding year.*

20 (b) If the defendant becomes mentally competent after a  
21 conservatorship has been established pursuant to the applicable  
22 provisions of the Lanterman-Petris-Short Act, Part 1  
23 (commencing with Section 5000) of Division 5 of the Welfare and  
24 Institutions Code, and Section 1370, the conservator shall certify  
25 that fact to the sheriff and district attorney of the county in which  
26 the defendant's case is pending, defendant's attorney of record,  
27 and the committing court.

28 (c) When a defendant is returned to court with a certification  
29 that competence has been regained, the court shall notify either the  
30 community program director, the county mental health director, or  
31 the regional center director and the Director of Developmental  
32 Services, as appropriate, of the date of any hearing on the  
33 defendant's competence and whether or not the defendant was  
34 found by the court to have recovered competence.

35 (d) Where the committing court approves the certificate of  
36 restoration to competence as to a person in custody, the court shall  
37 hold a hearing to determine whether the person is entitled to be  
38 admitted to bail or released on own recognizance status pending  
39 conclusion of the proceedings. Where the superior court approves  
40 the certificate of restoration to competence regarding a person on

1 outpatient status, unless it appears that the person has refused to  
2 come to court, that person shall remain released either on own  
3 recognizance status, or, in the case of a developmentally disabled  
4 person, either on the defendant's promise or on the promise of a  
5 responsible adult to secure the person's appearance in court for  
6 further proceedings. Where the person has refused to come to  
7 court, the court shall set bail and may place the person in custody  
8 until bail is posted.

9 (e) A defendant subject to either subdivision (a) or (b) who is  
10 not admitted to bail or released under subdivision (d) may, at the  
11 discretion of the court, upon recommendation of the director of the  
12 facility where the defendant is receiving treatment, be returned to  
13 the hospital or facility of his or her original commitment or other  
14 appropriate secure facility approved by the community program  
15 director, the county mental health director, or the regional center  
16 director. The recommendation submitted to the court shall be  
17 based on the opinion that the person will need continued treatment  
18 in a hospital or treatment facility in order to maintain competence  
19 to stand trial or that placing the person in a jail environment would  
20 create a substantial risk that the person would again become  
21 incompetent to stand trial before criminal proceedings could be  
22 resumed.

23 (f) Notwithstanding subdivision (e), if a defendant is returned  
24 by the court to a hospital or other facility for the purpose of  
25 maintaining competency to stand trial and that defendant is already  
26 under civil commitment to that hospital or facility from another  
27 county pursuant to the Lanterman-Petris-Short Act (Part 1  
28 (commencing with Section 5000) of Division 5 of the Welfare and  
29 Institutions Code) or as a developmentally disabled person  
30 committed pursuant to Article 2 (commencing with Section 6500)  
31 of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions  
32 Code, the costs of housing and treating the defendant in that  
33 facility following return pursuant to subdivision (e) shall be the  
34 responsibility of the original county of civil commitment.

35 SEC. 2. Section 4100 of the Welfare and Institutions Code is  
36 amended to read:

37 4100. The department has jurisdiction over the following  
38 institutions:

39 (a) Atascadero State Hospital.

40 (b) Coalinga State Hospital.

1 (c) Metropolitan State Hospital.

2 (d) Napa State Hospital.

3 (e) Patton State Hospital.

4 SEC. 3. Section 7200 of the Welfare and Institutions Code is  
5 amended to read:

6 7200. There are in the state the following state hospitals for  
7 the care, treatment, and education of the mentally disordered:

8 (a) Metropolitan State Hospital near the City of Norwalk, Los  
9 Angeles County.

10 (b) Atascadero State Hospital near the City of Atascadero, San  
11 Luis Obispo County.

12 (c) Napa State Hospital near the City of Napa, Napa County.

13 (d) Patton State Hospital near the City of San Bernardino, San  
14 Bernardino County.

15 (e) Coalinga State Hospital near the City of Coalinga, Fresno  
16 County.

17 SEC. 4. Section 7200.06 of the Welfare and Institutions Code  
18 is amended to read:

19 7200.06. (a) Of the 1,362 licensed beds at Napa State  
20 Hospital, at least 20 percent of these beds shall be available in any  
21 given fiscal year for use by counties for contracted services. Of the  
22 remaining beds, in no case shall the population of patients whose  
23 placement has been required pursuant to the Penal Code, exceed  
24 980.

25 (b) After construction of the perimeter security fence is  
26 completed at Napa State Hospital, no patient whose placement has  
27 been required pursuant to the Penal Code shall be placed outside  
28 the perimeter security fences, with the exception of placements in  
29 the General Acute Care and Skilled Nursing Units. The State  
30 Department of Mental Health shall ensure that appropriate  
31 security measures are in place for the general acute care and skilled  
32 nursing units.

33 (c) Any alteration to the security perimeter structure or policies  
34 will be made in conjunction with representatives of the City of  
35 Napa, the County of Napa, and local law enforcement agencies.

36 SEC. 5. Section 7229 of the Welfare and Institutions Code is  
37 repealed.

1     SEC. 6.   Section 7233 of the Welfare and Institutions Code is  
2   repealed.

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